IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9879 of 2004

Between:
Syed Hazira Begum, W/o Syed P.Hazarath Peeran,
Tanjavur, Tamlinadu, at present residing at H.No.21/172,
Makhmood Manzil, Kamati Veedhi, Nellore

..... PETITIONER

AND

1 The Commissioner , Nellore Municipality Nellore.
2 The Director of Town Planning Government of AP., Hyderabad.
3 Maddena Venkateswarlu Naidu S/o Venkata Subbaiah,
3rd Lane , Ravindranagar, Kondayapalem Gate, Nellore-4
4 Paladugu Prasad S/o Tirupataiah
3rd Lane , Ravindranagar, Kondayapalem Gate, Nellore-4.
5 T.Nagaratnamma, W/o TTD Naidu,
3rd Lane , Ravindranagar, Kondayapalem Gate, Nellore-4

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ more particularly one in the nature of writ of Mandamus declaring the inaction of the respondents 1and 2 in taking action against respondents 3 to 5 for making illegal construction in a portion of the land of the petitioner without obtaining necessary approval of the building plan from the 1st respondent and approval of layout from the 2nd respondent in Sy.No.602/2 and 599/2 situated in Nellore Bit-I village, Nellore Municipality, Nellore despite number of representations of the petitioner dt. 27/11/2002 and 10/04/2004 as arbitrary, illegal an violative of provisions of AP. Municipalities Act, AP. Layout rules and Articles 14 and 21 of the Constitution of India and consequently direct the respondent 1 and 2 to demolish the said illegal constructions in portion of the petitioner's Land in sy.no. 602/2 and 599/2 situated in Nellore Bit-I, Nellore.

For the Petitioner: MR. M.VENKATA NARAYANA, Advocate.

For the Respondent No.1: MR. Dantu Srinivas, Standing Counsel.
For the Respondent No.2: Govt. Pleader for Municipal Administration

The Court at admission stage made the following :

ORDER:

This writ petition has been filed by the petitioner challenging the action of respondents 1 and 2 in not taking action against respondents 3 to 5 for making illegal constructions in a portion of land belonging to the petitioner situated in survey Nos.602/2 and 599/2 of Nellore Bit-I village, Nellore Municipality, without approval of layout plan and building plan, as illegal and violative of the provisions of A.P. Municipalities Act.

The petitioner alleges that she is owner of Ac.2-40 cents of land in question. According to her, respondents 3 and 4 and others have grabbed the said land, for which she filed a land grabbing case and the same is pending in the Land Grabbing Tribunal-cum-District Judge at Nellore. It is her case that respondents 3 to 5 are making illegal constructions in a portion of her land without obtaining approved layout plan and building plan. She made several representations, the latest of which is dated 10-4-2004, to respondents 1 and 2 seeking action against respondents 3 to 5, but no action is taken in the matter. Hence, the writ petition.

Having heard the learned counsel for petitioner and the learned Standing Counsel for first respondent and the learned Government Pleader for Municipal Administration and with their consent and considering the facts and circumstances of the case and in view of the fact that the representation submitted by the petitioner is pending consideration with the first respondent, I deem it appropriate to direct the first respondent to consider and dispose of

the representation submitted by the petitioner, dated 10-4-2004 expeditiously, after issuing notice to unofficial respondents 3 to 5.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date: 22-06-2004

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To

1. The Commissioner, Nellore Municipality, Nellore.
2. The Director of Town Planning Government of AP., Hyderabad.
3. Two CCs. to the Govt. Pleader for Municipal Administration, High Court of A.P., Hyderabad (OUT)
4. Two CD copies